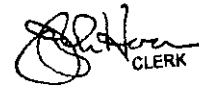


**FILED**  
JUL 11 2008  
CLERKIN THE UNITED STATES DISTRICT COURT  
FOR SOUTH DAKOTA SOUTHERN DIVISIONEQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

Plaintiff,

v.

AIR WISCONSIN AIRLINES CORPORATION  
d/b/a UNITED EXPRESS,

Defendant.

COMPLAINTCIVIL ACTION NO. 08-4109

JURY TRIAL DEMANDED

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. ("Title VII"), and Title I of the Civil Rights Act of 1991, 42 U.S.C. § 1981a to correct unlawful employment practices on the basis of sex-based harassment and retaliation and to provide appropriate relief to Caroline Lescroart ("Lescroart") and Kimberly Schmidt ("Schmidt"), who were adversely affected by such practices.

As alleged with greater particularity in paragraph seven (7) below, the Equal Employment Opportunity Commission alleges that the defendant, Air Wisconsin Airlines Corporation d/b/a/ United Express (hereinafter "Air Wisconsin"), violated Title VII by tolerating a hostile work environment based on sex and retaliation, by retaliating against Caroline Lescroart and

Kimberly Schmidt for complaining about the harassment, and by terminating Kimberly Schmidt for complaining about harassment.

### **JURISDICTION AND VENUE**

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3), and pursuant to Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for South Dakota.

### **PARTIES**

3. The plaintiff, Equal Employment Opportunity Commission (hereinafter "Commission"), is the agency of the United States of America charged with the administration, interpretation, and enforcement of Title VII and is expressly authorized to bring this action by Section 706(f)(1) of Title VII, 42 U.S.C. § 2000e-5(f)(1).

4. At all relevant times the defendant, Air Wisconsin, was continuously engaged in the business of performing flying services for US Airways and ground handling services for both

United and Northwest Airlines in the state of South Dakota, and continuously had at least fifteen (15) employees.

5. At all relevant times, Air Wisconsin was an employer engaged in an industry affecting commerce within the meaning of Section 701(b), (g) and (h) of Title VII, 42 U.S.C. § 2000e-(b), (g) and (h).

#### **STATEMENT OF CLAIMS**

6. More than 30 days prior to the institution of this lawsuit, Lescroart and Schmidt filed Charges with the Sioux Falls Human Relations Commission. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Air Wisconsin has engaged in unlawful employment practices in violation of Sections 703(a) and 704(a) of Title VII, 42 U.S.C. § 2000e-2(a) and § 2000e-3(a). Such practices include, but are not limited to:

a. Since about March 2005, tolerating a hostile work environment based on sex and retaliation and retaliating against Caroline Lescroart for complaining about the harassment;

b. Since about May 2004, tolerating a hostile work environment based on sex and retaliation and retaliating against Kimberly Schmidt for complaining about the harassment;

c. Terminating Kimberly Schmidt for complaining about sex based harassment and in retaliation for complaining about the harassment.

8. The effect of the practices complained of in paragraph seven (7) above has been to deprive Lescroart and Schmidt of equal employment opportunities in violation of Section 703(a) and 704(a) of Title VII, 42 U.S.C. § 2000e-2(a) and § 2000e-3(a).

9. The unlawful employment practices complained of in paragraphs seven (7) and eight (8) above were intentional.

10. The unlawful employment practices complained of in paragraphs seven (7) and eight (8) above were done with malice and/or reckless indifference to Lescroart's and Schmidt's federally-protected rights.

**PRAYER FOR RELIEF**

Wherefore, the Commission respectfully prays that this Court:

A. Grant a permanent injunction enjoining Air Wisconsin, and its officers, successors, and assigns, and all persons in active concert or participation with them, from engaging in any employment practices which constitute sex-based harassment and retaliation for activity protected by Title VII;

B. Order Air Wisconsin to institute and carry out policies, practices, and programs which eradicate the effects of its past and present unlawful employment practices;

C. Order Air Wisconsin to make Kimberly Schmidt whole, by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial;

D. Order Air Wisconsin, to make Lescroart and Schmidt whole by providing compensation for past and future non-pecuniary losses resulting from the unlawful practices, including injury to professional reputation, emotional pain, suffering, inconvenience, loss of enjoyment of life, and humiliation;

E. Order Air Wisconsin, to pay Lescroart and Schmidt punitive damages for its malicious and/or reckless conduct, in an amount to be determined at trial;

F. Grant such further relief as the Court deems necessary and proper in the public interest; and

G. Grant the Commission its costs of this action.

**JURY TRIAL DEMAND**

The Commission requests a jury trial on all questions of fact raised by its Complaint.

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General Counsel

James Lee  
Deputy General Counsel

GWENDOLYN YOUNG REAMS  
Associate General Counsel

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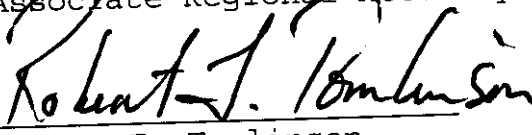
Dated: July 10, 2008

/s/ John C. Hendrickson  
John C. Hendrickson  
Regional Attorney

Dated: July 10, 2008

/s/ Jean P. Kamp  
Jean P. Kamp  
Associate Regional Attorney

Dated: July 10, 2008

  
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Senior Trial Attorney

**EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION**

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